IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.310 OF 2001
IN
LETTERS PATENT APPEAL ST.NO.33599 OF 2001
IN
SUO MOTU WRIT PETITION NO.1727 OF 1997

The State of Maharashtra ..Applicant

V/s.

Dr.J.M.Gadekar & Anr. ..Respondents

Mr.S.R.Nargolkar Assistant Government Pleader for the applicant.

Coram : R.M.LODHA &
R.S.MOHITE,JJ

Date : 2.5.2005.

PC

. The State of Maharashtra has preferred Letters Patent Appeal against the Judgment and order dated 5.10.2000 passed by the learned single Judge in Suo Motu Writ petition No.1727/1997. The appeal is barred by 311 days and therefore, Civil application has been made for condonation of delay. The Civil application read thus :-

> 1. Applicant has filed the Letters Patent Appeal against the Judgment and Order dated 5th October 2000 passed by Hon'ble Mr.Justice D.K.Deshmukh in Suo Moto Writ Petition No.1727 of 1997. The Applicant is aggrieved by the Judgment and Order dated 5th October 2000, the State Government has decided to file the Letters Patent Appeal. However, the sanction for the same is awaited and in the circumstances, there is delay in filing the said Letters Patent Appeal. The

Applicant states that the delay is neither intentional nor deliberate.
2. Applicant states that grave and irreparable losses would be caused to the Applicant, if this Civil Application for condonation of delay is not granted. Balance of convenience, therefore, lies clearly in favour of the Applicant.

3. The applicant therefore, prays that :

(a) The delay in filing the Letters Patent Appeal No. be condoned.

(b) To pass such and further Orders as this Hon'ble Court may deem fit in the interest of justice.

2. With all latitude to the State Government for not acting swiftly in challenging the impugned order dated 5.10.2000 and the liberal approach in the matter of condonation of delay, we find that this is not a fit case for condonation of delay at all. The application does not set out any cause much less sufficient cause for condonation of delay. The long delay of 311 days cannot be condoned merely because the applicant is the State Government.

3. No case for condonation of delay is made out.

4. Civil application is accordingly rejected.

(R.M.LODHA,J)

(R.S.MOHITE,J)

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. Since Letters Patent Appeal is barred by time and the application for condonation of delay has been rejected, Letters Patent Appeal stands rejected being barred by time.

(R.M.LODHA,J)

(R.S.MOHITE,J)

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. In view of dismissal of Letters Patent Appeal, Civil application does not survive and stands dismissed accordingly.

(R.M.LODHA,J)

(R.S.MOHITE,J)